

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PHILIPS RECALLED CPAP, BI-LEVEL
PAP, AND MECHANICAL VENTILATOR
PRODUCTS LITIGATION

This document relates to: *Dorfman v. Preferred
Homecare*, 2:23-cv-01745-CDS-NJK (D. Nev.)

Master Docket: No. 21-mc-1230-JFC
MDL No. 3014

**RESPONSE OF NON-PARTY PHILIPS RS NORTH AMERICA LLC
TO PLAINTIFF SCOTT DAVID DORFMAN’S MOTION TO REMAND**

Pursuant to the Court’s September 17, 2024 Order (ECF No. 2968), non-party Philips RS North America LLC (“Philips RS”) submits this response to Plaintiff Scott David Dorfman’s Motion to Remand (ECF No. 2919). Philips RS has no objection to the remand of this action to the District of Nevada for the following two reasons:

First, neither Philips RS nor any other Philips affiliate is named in Plaintiff’s Complaint. As Plaintiff correctly noted in his Motion to Remand, his claims are only against the DME, Preferred Homecare (“Preferred”). As set forth in its Response to Plaintiff’s Motion to Remand, Preferred does not oppose remand. (ECF No. 2960).

Second, as Plaintiff states in his Motion to Remand, Plaintiff’s claims are “not based upon the design and manufacture of the Philips CPAP machine,” but rather Preferred’s “conduct when administering the procurement and maintenance” of Plaintiff’s device. (*See* Mot. to Remand at 3 (ECF No. 2919)).

Accordingly, non-party Philips RS does not object to remand. However, Philips RS reserves the right to seek to transfer this case to this MDL in the event Plaintiff changes his theories, or seeks to add parties, following remand.

Dated: October 1, 2024

Respectfully submitted,

/s/ Erik T. Koons

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CERTIFICATE OF SERVICE

I certify that on October 1, 2024, the foregoing Response was filed electronically with the Clerk of Court, using the CM/ECF system. Notice of this filing will be sent to all parties who have appeared of record by operation of the Court's ECF system.

/s/ Erik T. Koons

Erik T. Koons